

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

**Archey, Olaf Bryan
Archey, Mary Diane
Debtors**

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**Case No. 10-54638-G
Chapter 13**

**EXPEDITED MOTION WITH FOURTEEN DAY NOTICE TO MODIFY THE
CHAPTER 13 PLAN FOR NINETY DAYS AND SECOND REQUEST FOR
ADDITIONAL COMPENSATION**

YOU HAVE FOURTEEN (14) DAYS TO OBJECT TO THIS MOTION.

**IF THE COURT DETERMINES THAT THIS MOTION DOES NOT QUALIFY FOR
EXPEDITED CONSIDERATION, THIS MOTION MAY BE SET FOR HEARING IN
THE ORDINARY COURSE. YOU WILL RECEIVE NOTICE OF THAT SETTING.**

**OTHERWISE, IF NO OBJECTIONS ARE TIMELY FILED TO THIS MOTION, AND
THE COURT IS SATISFIED THAT THIS MOTION QUALIFIES FOR EXPEDITED
CONSIDERATION, NO HEARING WILL BE SET, AND THE COURT WILL ENTER
AN ORDER GRANTING THE RELIEF REQUESTED.**

TO THE HONORABLE BANKRUPTCY JUDGE OF THIS COURT:

The Debtors, Olaf Bryan Archey and Archey, Mary Diane, move the Court for an Order modifying the Chapter 13 Plan for ninety days, and in support of this motion would show the Court as follows:

The Debtors filed this case on, 12/3/2010 and the Court entered the Order confirming the Chapter 13 Plan on 01/21/2011.

The Debtors request that the Plan term be modified for ninety days. The Debtor is no longer working. The Debtor will not be receiving any unemployment but is actively looking for work. The modification of the Plan will allow the Debtors to absorb the unexpected expenses without incurring any additional debt.

The Debtors request that the Chapter 13 Plan Payment for the months of December, 2013, January, and February, 2014 be modified to zero. The Chapter 13 plan payments will resume in March, 2014. If this modification is granted, the term of the Plan shall not extend beyond sixty months from the date of Confirmation.


The Debtors' request expedited consideration for their request because the debtors need to keep all income to help afford living expenses while going through this change.

The Debtors attorney has requested and received attorney fees in the amount of \$2,874.00 for the filing of this case. The Debtors' attorney has requested \$350.00 in post petitions fees in this case for a Motion to Modify that was granted. The Debtors have incurred additional attorney fees in the amount of \$500.00 for the preparation and filing of this motion. The additional fees were not foreseen or anticipated at the inception of the case. The Debtors request that the compensation be paid by the Chapter 13 Trustee as an administrative priority expense under the Chapter 13 Plan pursuant to the Standing Order.

For these reasons, the Debtors move the Court for an Order granting the requested relief.

DATED: 12/6/2013

Respectfully submitted,
FLUME & ASSOCIATES
8700 Crownhill Blvd., Suite 502
San Antonio, TX 78209
Telephone: (210) 930-7000
Fax: (210) 820-3207

By: 
Rick Flume, SBN 22299200
Attorney for Debtors

CERTIFICATE OF SERVICE

The undersigned certifies that, on this date, service of a copy of the attached has been accomplished by **CM/ECF to MARY K. VIEGELAHN, Chapter 13 Trustee**, and by first class mail, postage paid, to the parties in interest listed below and on the attached matrix.

DATED: _____

12/6/2013



Rick Flume

DEBTORS

Olaf Bryan Archey
Archey, Mary Diane
8515 Kirkner Rd. #5
San Antonio, TX 78263

Best Buy
HRS USA
PO Box 15521
Wilmington, DE 19850

U.S. Attorney / IRS
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Brice, Vander Linden & Wernick
9441 LBJ Freeway, Suite 250
Dallas, TX 75243

U.S. Attorney General
Main Justice Bldg., Rm 5111
10th & Constitution Ave., NW
Washington, DC 20530

Care Credit
P.O. Box 960061
Orlando, FL 32896

US Trustee
PO Box 1539
San Antonio, TX 78295-1539

Chase
P.O. Box 78148
Phoenix, AZ 85062

Flume & Associates
8700 Crownhill Blvd, Suite 502
San Antonio, TX 78209

GE Money Bank
P.O. Box 960061
Orlando, FL 32896

HSBC Retail Services
P.O. Box 60107
City of Industry, CA 91716

IRS / Special Procedures
P.O. Box 21126
Philadelphia, PA 19114

Randolph Brooks FCU
PO Box 2097
Universal City TX 78148

Sears
P.O. Box 183081
Columbus, OH 43218

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
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In re:

**Archey, Olaf Bryan
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Debtors**

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**Case No. 10-54638-G
Chapter 13**

**ORDER GRANTING DEBTORS' EXPEDITED MOTION TO MODIFY THE CHAPTER
13 PLAN FOR NINETY DAYS AND SECOND REQUEST FOR ADDITIONAL
COMPENSATION**

Before the Court is the Debtors' Expedited Motion to Modify the Chapter 13 Plan For Ninety Days and Second Request for Additional Compensation. The Court finds that the reasons for the request are meritorious, and no party in interest has filed an objection to the relief requested. Therefore, the Motion to Modify the Chapter 13 Plan For Ninety Days and Second Request for Additional Compensation is GRANTED.

IT IS ORDERED that the Debtors are allowed to modify the Chapter 13 Plan payments to zero for the months of December, 2013, January, and February, 2014, which is an extension of ninety days. The Trustee is to refund all monies received during that time period, to the Debtors or modify the missing payments to zero. The Plan term will not extend beyond sixty months from the date of Confirmation.

IT IS ALSO ORDERED that the regular plan payments to the Chapter 13 Trustee shall resume in March, 2014.

IT IS FURTHER ORDERED that additional attorney's fees in the amount of \$350 are awarded to Flume & Associates, and that the compensation is to be paid by the Chapter 13 Trustee as an administrative priority expense under the Chapter 13 Plan pursuant to the Standing Order.

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Prepared in the office of and submitted by:
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